Remarks

Claims 1, 3, 4, 6-16, 18, 19, 21-23, and 40-63 are in the application. Claims 1, 19, 48, 55, and 60-63 are in independent form.

The disclosure is objected to because the first sentence of the specification does not make reference to the provisional application to which benefit is claimed, as set forth in the declaration. The specification has been amended to make reference to the provisional application.

Claims 3, 48, and 55 are objected to for informalities. The claims have been amended to correct the informalities.

Claims 1, 19, and 48 are provisionally rejected for obviousness-type double patenting over claims 1 and 19 of copending application no. 10/734,481. Applicant traverses this rejection for the following reasons.

Claims 1, 19, and 48 each recite "connecting a wireless communication device to a structural, external interface of a first computing device" and "drawing power to the wireless communication device from the first computing device for powering wireless communication by the wireless communication device." Claims 1 and 19 of copending application no. 10/734,481, as amended, do not recite "connecting a wireless communication device to a structural, external interface of a first computing device." In addition, claims 1 and 19 of copending application no. 10/734,481, as amended, do not recite "drawing power to the wireless communication device from the first computing device for powering wireless communication by the wireless communication device." Applicant submits, therefore, that claims 1, 19, and 48 of the present application are not obvious over claims 1 and 19 of copending application no. 10/734,481 and request that this rejection be withdrawn. Claim 1 further recites activating the wireless communication of the wireless communication device to provide wireless data access for the first computing device via the wireless communication device that is plug connected to the first computing device. This feature is also not recited in the copending application no. 10/734,481.

Claim 55 is provisionally rejected for obviousness-type double patenting over claims 19 and 21 of copending application no. 10/734,481, in view of in view of US Publication No. 2003/0046447 of Kouperchaliak and US Publication No. 2002/0083430 by Kusuda. Applicant responds as follows.

Claim 55 of the present application recites a method that includes connecting a data communication device to structural, external interfaces interface of first and remote computing devices to pass data between the first and remote computing devices. The method includes installing and executing on the remote computing device a computer software application from a protected private component of the memory component automatically upon connection of the data communication device to the structural, external interface of the remote computing device, the computer software application providing access to the data output device of the second computing device.

Claims 19 and 21 of copending application no. 10/734,481, as amended, are directed to a portable wireless communication device that includes a wireless communication component and a memory controller, which are distinct from features recited in claim 55. Neither claims 19 and 21 of the copending application, nor the cited references Kouperchliak and Kusuda, recite the features noted above in claim 55 of the present application. Accordingly, applicant submits that claim 55 of the present application is nonobvious over and patentably distinct from claims 19 and 21 of copending application no. 10/734,481 in combination with Kouperchliak and Kusuda. Applicant requests, therefore, that this rejection be withdrawn.

Claims 1, 3-23, and 39-54 are rejected under 35 USC 112, second paragraph, for indefiniteness. Applicant responds as follows.

The Examiner states that "the communication device" lacks antecedent basis in claims 1, 3-4, 19, 21, 23, 48, and 55. Applicant submits that in each claim the phrase has a proper antecedent basis, which also includes an additional adjective such as "wireless" or "data." However, each claim has been amended to include the adjective included with the antecedent term with each

occurrence of the phrase "communication device." Applicants have amended claims 3, 42, 48, 51, and 55 to correct the informalities identified by the Examiner. Applicant requests that this rejection be withdrawn.

Claims 1, 4-5, 10, 14, 19, 23, 39, 43, 45-49, 51, and 54 are rejected under 35 USC 103(a) for obviousness over Weiser et al (US Pat. No. 5,982,520) in view of Kouperchliak.

Weiser describes a personal storage device for wireless receipt, storage, and wireless transfer of digital information to other electronic devices, as illustrated in Fig. 1, reproduced below.
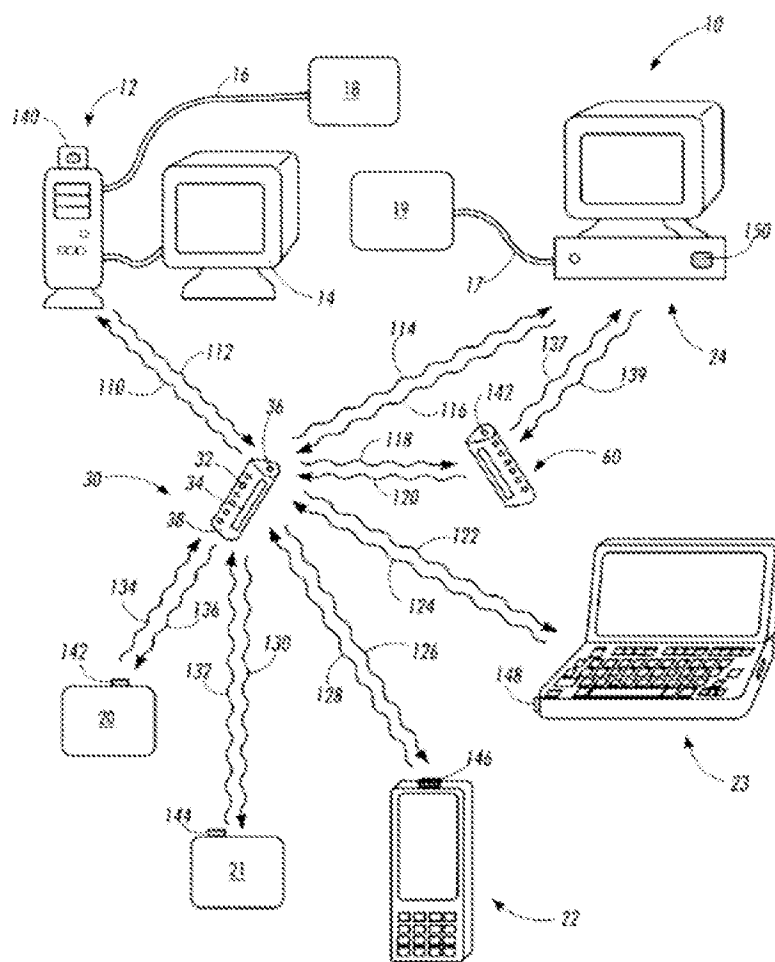

FIG. 1

A processor and a memory are positioned within the casing cavity, the memory being configured to store received executable applications and data. An infrared transceiver is mounted on the casing and is in electronic communication with the processor and memory module to provide for receipt and storage of executable applications, and receipt, storage, and transfer of digital information to other electronic devices. The digital information stored by the personal storage device can be intermittently synchronized with other electronic devices.

Kouperchliak is directed to providing improved "plug & play" functionality of USB computer peripherals by allowing a USB peripheral to install the drivers needed to operate the peripheral with a host computer the first time the peripheral is plugged into the host computer. Kouperchliak uses an automatic switch that switches between a mass storage device emulator, used to install the drivers, and the standard operation of the peripheral device. The automatic switch prevents the mass storage emulator from repeatedly attempting to install the drivers if they have already been installed.

For example, Kouperchaliak describes a printer that has stored on it "device-related software (DRS)" (e.g., software drivers) that permit interaction between the printer and the computer. The printer checks whether device-related software (i.e., drivers) are already installed on the host computer and, if not, uploads the device-related software to the computer for the proper installation and operation of the peripheral device by the computer and then automatically turns the switch accordingly. Kouperchaliak does not teach or describe automatically uninstalling the device driver upon the peripheral device disconnecting from the host computing device. Indeed, such a feature would be directly antithetical to the described operation in which automatic switch switches from a mass storage device emulator once drivers are installed to allow standard operation of the peripheral device.

The Examiner cites Weiser as disclosing the claimed features of claim 1, except for installing a computer software application automatically upon connection of the wireless communication device to the first computing device.

The Examiner cites Kouperchliak as disclosing this feature and concludes that it would be obvious to combine Kouperchliak with Weiser to "improve Weiser's system by providing the communication device and the computer with the proper software to allow interaction between the device and the computer." The Examiner adds that "Kouperchliak's teachings would allow efficient installation of software that allows interaction between devices without user intervention." Applicant responds as follows.

Amended claim 1 recites:

> plug connecting a wireless communication device to a structural, external interface of a first computing device, the wireless communication device previously being distinct from the first computing device and including a private memory component;
> drawing power to the wireless communication device from the first computing device for operating the wireless communication device;
> installing and executing on the first computing device a wireless communication software application from a private memory component of the wireless communication device automatically upon plug connecting the wireless communication device to the structural, external interface of the first computing device, the private memory component not being accessible or viewable by a user and providing storage of the wireless communication software application that is secure from being viewed or accessed, the wireless communication software application running on the first computing device; and
>
> activating the wireless communication of the wireless communication device to provide wireless data access for the first computing device via the wireless communication device that is plug connected to the first computing device.

The claim has been amended to recite "plug connecting a wireless communication device to a structural, external interface of a first computing device,"which clarifies that the wireless communication device is mechanically plugged into a structural, external interface of the first computing device. The plug connecting of the wireless communication device is described in the application at paragraphs [0009], [0013], [0016] and [0033], for example. The

structural, external interface of the computing is described in the application at paragraphs device [0006] and [0033], for example.

The drawing of power to the wireless communication device from the computing device for operating the wireless communication device is described in the application at paragraph [0049], for example. The private memory component that is not accessible or viewable by a user and provides storage of the wireless communication software secure from being viewed or access is described in the application at paragraphs [0044]-[0046] and shown in Figs. 1-5, for example. Activating the wireless communication of the wireless communication device to provide wireless data access for the first computing device via the wireless communication device that is plug connected to the first computing device is described in the application at paragraphs [0040], [0046], [0074], and [0089].

Applicant submits that claim 1 is patentably distinct from the cited references for the following reasons.

Weiser is directed to a personal storage device that communicates with other devices solely by wireless (i.e., infrared) connections. Nothing in Weiser teaches or suggests plug connecting a wireless communication device to a structural, external interface of a computing device, as recited in claim 1. Moreover, Weiser is directed to communicating with computing devices that already have a wireless communication capability, as illustrated by the wireless communication links connecting personal storage device 30 in Fig. 1 above to each and every other computing device shown in the drawing. Weiser requires each computing device to have a preexisting wireless communication capability to communicate with personal storage device 30 because there is no other way for personal storage device 30 to communicate with a computing device. Accordingly, Weiser clearly and emphatically would lead a person skilled in the art away from plug connecting a wireless communication device to a structural, external interface of a computing device, as recited in the claim. Moreover, Kouperchliak makes no teaching or suggestion of plug connecting a wireless

communication device to a computing device. Applicant submits, therefore, that the cited art provides no teaching or suggestion of plug connecting a wireless communication device to a structural, external interface of a computing device, as recited in claim 1.

Also, with nothing but wireless communication links between personal storage device 30 and any computing device, Weiser provides absolutely no teaching or suggestion of drawing power to the wireless communication device from the computing device for operating the wireless communication device, as recited in claim 1. Personal storage device 30 inherently requires a separate power source (i.e., a battery) for powering all operations as emphasized and taught by Weiser for example in Col. 4, line 65-68 and Col. 7 line 1-3, and in Fig 7, 96. Accordingly, Weiser clearly and emphatically would lead a person skilled in the art away from drawing power to the wireless communication device from the computing device for operating the wireless communication device. Moreover, Kouperchliak makes no teaching or suggestion of powering a wireless communication device from a computing device. Applicant submits, therefore, that the cited art provides no teaching or suggestion of drawing power to the wireless communication device from the computing device for operating the wireless communication device, as recited in claim 1.

Also, with nothing but wireless communication links between personal storage device 30 and any computing device, Weiser provides no teaching or suggestion of installing and executing on the first computing device a wireless communication software application from the wireless communication device and activating the wireless communication of the wireless communication device to provide wireless data access for the computing device via the wireless communication device that is plug connected to the first computing device. Weiser is directed to a storage device that wirelessly communicates with computing devices that already have a wireless communication capability, as illustrated by the wireless communication links connecting personal storage device 30 in Fig. 1 above to each and every other computing device shown in the drawing. Weiser requires each computing device to have a preexisting wireless

communication capability to communicate with personal storage device 30 because there is no other way for personal storage device 30 to communicate with a computing device. Accordingly, Weiser clearly and emphatically would lead a person skilled in the art away from installing and executing on the first computing device a wireless communication software application from the wireless communication device and activating the wireless communication of the wireless communication device to provide wireless data access for the computing device via the wireless communication device that is plug connected to the computing device.

Moreover, Kouperchliak makes no teaching or suggestion of installing and executing on the computing device a wireless communication software application and activating the wireless communication of the wireless communication device to provide wireless data access for the computing device. Kouperchliak is directed to installing drivers or "device-related software (DRS)" that permit interaction between a computer and its peripheral (e.g., a printer). Kouperchliak does not teach, suggest, or even hint at installing a wireless communication software application and activating wireless communication of the wireless communication device to provide wireless data access for the computing device. Applicant submits, therefore, that the cited art provides no teaching or suggestion of installing and executing on the computing device a wireless communication software application and activating the wireless communication of the wireless communication device to provide wireless data access for the computing device.

Furthermore, as also noted by the examiner Weiser does not teach or suggest a private memory component that is not accessible or viewable by a user and that provides storage of the wireless communication software application that is secure from being viewed or accessed. The cited references are completely silent regarding such a private memory component. The Examiner states that Kouperchliak describes a private memory component, citing "Parg 0046 Read-only memory." Applicant submits that the Examiner overstates the motivations suggested by Kouperchliak and expands the definition of read

only memory. As is well known by those skilled in the art, "read-only memory" is "readable" and therefore would lead one skill in the art to implement a memory component that is <u>accessible</u> and viewable by a user. By its very name, "read only" memory is readable and would provide storage of the wireless communication software application that is <u>NOT</u> secure from being viewed or accessed.

For the foregoing reasons, applicant submits that claim 1 is patentably distinct from the cited art and requests that claim 1 and its dependent claims be allowed.

Claims 19, 48, and 55 recite subject matter of claim 1 and are patentably distinct from the cited references for the reasons set forth above. In addition, claims 19, 48, and 55 recite additional features that are distinct from, and not disclosed in the cited references so that claims 19, 48, and 55 are patentably distinct for additional reasons. The following remarks are specifically directed to claim 19, but are similarly applicable to claims 48 and 55.

Claim 19 recites plug connecting a data communication device to a structural, external interface of a computing device that includes a data output device, data content already having been transmitted to and stored on the data communication device. The data content is passed from the data communication device to data communication software application installed on the computing device from a private memory portion of the data communication device. The data content is then passed to the output device of the computing device. The cited references provide no teaching or suggestion of these additional feature of claim 19.

The Examiner cites Weiser as disclosing the claimed features of claim 19, except for installing a computer software application automatically upon connection of the wireless communication device to the first computing device. The Examiner cites Kouperchliak as disclosing this feature and concludes that it would be obvious to combine Kouperchliak with Weiser to "improve Weiser's system by providing the communication device and the computer with the proper

software to allow interaction between the device and the computer." The Examiner adds that "Kouperchliak's teachings would allow efficient installation of software that allows interaction between devices without user intervention."

Applicant submits that the Examiner overstates the motivations that are suggested by the cited references. Weiser is directed to a solely wireless personal storage device, and Kouperchliak is directed to peripheral devices that load device-specific software like drivers. Nothing in these two references suggests that Wieser's solely wireless personal storage device needs or requires proper software. Weiser describes a system in which the software is already stored and operating on the other computing devices. Kouperchliak is directed to mechanical connections between peripherals and computers, which are the exact types of connections that Wieser's solely wireless personal storage device is directed to avoiding. Applicant submits that the art provides no "motivation" to modify Wieser's solely wireless personal storage device to abandon its core wireless functionality to be plugged into a structural external interface.

Likewise, applicant submits that there is no "suggestion" that the computing devices that communicate with Wieser's solely wireless personal storage device require improved communication software to be installed from Wieser's solely wireless personal storage device. Wieser's solely wireless personal storage device is described as communicating with devices that have built-in infrared transceivers. Wieser provides no teaching or suggestion that a computing device having a built-in infrared transceiver would be lacking the communication software to operate the built-in infrared transceiver. Applicant submits, therefore that the references cited by the Examiner lack the suggestion or the motivation to modify Wieser's solely wireless personal storage device to include the installation of software to provide wireless communication with Wieser's solely wireless personal storage device. If anything, Weiser specifically suggests that computing devices already have pre-installed software and associated hardware structures.

Moreover, claim 19 includes a data communication device, a distinct device from the first computing device and the remote computing device, and the passing of data content from the data communication device to an output device associated with the computing device via a communication software application installed on the computing device from a private memory portion of the wireless communication device. The cited art does not disclose and does not suggest such a combination of elements. Weiser solely wireless personal storage device is used to transfer information from one wireless-capable computing device to another, or to merely synchronizing data on the wireless personal storage device with data on another computing device. Weiser provides no teaching or suggestion of a wireless communication device the explicitly passes data content from the wireless communication device to an output device associated with the computing device via a communication software application installed on the computing device from a private memory portion of the wireless communication device. Additionally, Weiser provides no teaching or suggestion of such a wireless communication device that passes the data content via a plug connection to a structural, external interface of another computing device.

Kouperchliak is directed merely to installing device specific drivers from a peripheral device. Kouperchliak is not remotely directed to passing data content to an output device. Kouperchliak, Weiser, and the other cited reference do not teach or suggest a wireless communication software application that is installed on the computing device from a private memory portion of the communication device. Applicants submit, therefore, that claim 19 is patentably distinct from the cited art and request that claim 19 and its dependent claims be allowed. Likewise, applicants submit that claims 48 and 55 are patentably distinct from the cited art and request that claims 48 and 55 and their dependent claims be allowed.

Claim 60 is analogous to claim 1, claim 61 is analogous to claim 48, claim 62 is analogous to claim 19, and claim 63 is analogous to claim 55 and therefore claim 60-63 are patentably distinct from the cited art for the same reasons described above.

With regard to claim 3, the examiner cites Kusuda as having described automatic uninstallation of the computer software application. Kusuda describes a network that includes an uninstall control apparatus (Parag [0042]), and the control apparatus is included in the TV receiver 10. The control unit controls installation/uninstallation of the control software into/from the TV receiver (Parag[0044]). Kusada does not teach or suggest a <u>wireless communication software application</u> that automatically uninstalls the wireless communication software application from the first computing device upon disconnection of the wireless communication device. Instead, the "uninstall control apparatus" of Kusuda is included in a network to monitor and control the installation/uninstallation of the "control software." The "uninstall control apparatus" of Kusuda would lead one skilled in the art away from the <u>wireless communication software application </u>automatically uninstalling the wireless communication software application from the first computing device upon disconnection of the wireless communication device from the structural, external interface of the first computing device by including.

Applicant believes the application is in condition for allowance and respectfully requests the same.

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Respectfully Submitted,

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